

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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*Ex parte* PAUL AUSTIN, DAVID FULLER, KURT M. CARLSON,  
CHRIS MAYER, STEPHEN ROGERS, JOE SAVAGE, and BRIAN SIERER

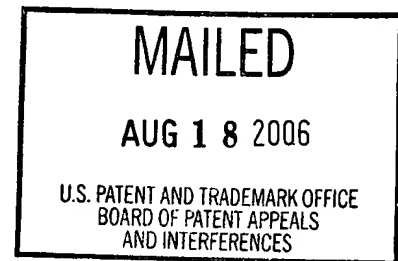
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Appeal No. 2006-0619  
Application No. 09/374,740

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ON BRIEF

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Before JERRY SMITH, BARRY, and SAADAT, *Administrative Patent Judges*.  
BARRY, *Administrative Patent Judge*.

A patent examiner rejected claims 1-34 and 36-57. The appellants appeal therefrom under 35 U.S.C. § 134(a). We reverse.

**I. BACKGROUND**

The invention at issue on appeal concerns computer input/output ("I/O"). (Spec., p. 1, l. 10.) In networked computer systems, computers obtain data from sources and write data to targets, e.g., local memory, I/O devices, and other computers. (*Id.* at ll. 16-20.)

U.S. Patent No. 6,370,569 describes a "Data Socket" and a "Data Socket URL." A Data Socket client addresses data sources and data targets using a Uniform Resource Locator (URL), much the way a URL is used to address web pages anywhere in the world. To read from a data source, the Data Socket reads raw data, parses the data, and returns it in a form usable by a user's applications. To write to a data target, the Data Socket formats data from a user into an appropriate format for the target. (*Id.*, p. 2, ll. 5-16.)

The URL contains all the data that a Data Socket system needs to identify the type of source/target, determine its address, and connect thereto. The URL may also contain data that the Data Socket system uses to configure the source/target. The user, however, must supply the appropriate URL to the Data Socket system. (*Id.* at ll. 20-25.)

In contrast, the appellants' invention generates URLs automatically. A further understanding of the invention can be achieved by reading the following claim.

1. A computer-implemented method for enabling access to one or more data sources or targets in a computer system, comprising:

    automatically determining one or more data sources or targets connected to the computer;

automatically generating one or more URLs for each of the data sources or targets;

wherein each of the URLs is useable for reading data from the respective data source or writing data to the respective data target.

Claims 1-34 and 36-57 stand rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,047,332 ("Viswanathan") and U.S. Patent No. 6,094,684 ("Pallmann").

## II. OPINION

"Rather than reiterate the positions of the examiner or the appellants *in toto*, we focus on a point of contention therebetween." *Ex parte SieneI*, No. 2005-2429, 2006 WL 1665423, at \*1 (Bd.Pat.App & Int. 2006). The examiner admits that "the system taught by Viswanathan does not use the term 'URL' (i.e.,] uniform resource locator) in describing [its] logical names." (Examiner's Answer at 4.) Finding that "Pallmann discloses a data access system for accessing remote network devices that are addressed via globally unique names, wherein the unique names are Internet URLs (col. 8, lines 30-68, wherein HTTP over TCP/IP uses Internet URLs)," (*id.*), however, he alleges that "it would have been obvious to replace the resource locators taught by Viswanathan with 'URLs' as they are known on the Internet, thereby extending the Viswanathan system to encompass Internet URLs in order to allow true 'global' access

to the devices on the system." (*Id.* at 16.) The appellants argue that "the device access taught by Viswanathan cannot be extended in the platform-independent manner proposed by the Examiner." (Appeal Br. at 8.)

"When determining the patentability of a claimed invention which combines two known elements, 'the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination.'" *In re Beattie*, 974 F.2d 1309, 1311-12, 24 USPQ2d 1040, 1042 (Fed. Cir. 1992) (quoting *Lindemann Maschinenfabrik GMBH v. Am. Hoist & Derrick Co.*, 730 F.2d 1452, 1462, 221 USPQ 481, 488 (Fed. Cir. 1984)).

Here, Viswanathan's "invention is a system and method for use in a cluster that maps local device names to globally unique, logical names that enable an application running on any of the cluster nodes to access a device located on a different cluster node." (Col. 6, ll. 34-38.) "The cluster 201 includes a plurality of nodes 202 with associated devices 106 and applications 150." (Col. 8, ll. 61-62.) It is uncontested that the reference does not use URLs for its names.

We are unpersuaded, moreover, by the examiner's aforementioned allegation that substituting URLs for Viswanathan's names would have allowed "true 'global'


access to the devices on the system." (Examiner's Answer at 16.) To the contrary, we agree with the appellants' aforementioned argument that "the device access taught by Viswanathan cannot be extended in the platform-independent manner proposed by the Examiner." (Appeal Br. at 8.) As noted by the appellants, such "device access can only be performed by computers that are a part of [the] cluster 201 and have access to [the reference's] global file system 206 and execute a modified operating system kernel 242 taught in Viswanathan." (*Id.*) "It is well known that computers connected to the Internet utilize a plethora of different operating systems and that communication over the Internet is performed largely independently of any particular operating system or file system." (*Id.*) Because "many computers connected to the Internet . . . either are not a part of the cluster 201, do not have access to the global file system 206, [or] do not execute the modified operating system kernel 242," (*id.*), we are persuaded that these computers would not have been able to perform the device access taught in Viswanathan even if URLs were used in the reference.

A reason that is desirable and practicable reason may exist for using URLs in Viswanathan may exist. We will not, however, "resort to speculation [or] unfounded assumptions," *In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967) as to such a reason. We instead reverse the rejection of claims 1-34 and 36-57.

### III. CONCLUSION

In summary, the rejection of claims 1-34 and 36-57 under § 103(a) is reversed.

*Jerry Smith*  
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